

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANCISCO SERRANO,

Plaintiff,

v.

ERIKA FENSTERMAKER, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-12-2467

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

**ORDER**

**NOW**, this 24<sup>th</sup> day of January, 2013, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 6) is **ADOPTED**.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.
- (3) The claims against individual Defendant Erika Fenstermaker are **DISMISSED with prejudice**.
- (4) Plaintiff may **PROCEED** with his action against Defendant United States of America.
- (5) The matter is **RECOMMITTED** to Magistrate Judge Carlson for further proceedings.



A. Richard Caputo  
United States District Judge